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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,224	04/01/2004	David E. Richardson	100111157-1	5369

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
JAIN, RAJ K	
ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
04/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/814,224	RICHARDSON, DAVID E.	
	Examiner	Art Unit	
	RAJ K. JAIN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-16,18-23 and 25-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11-16,18-23 and 25-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 8, 9, 11-13, 15, 16, 18-20, 22, 23, 25-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenkel et al (USP 5,933,416) in view of Lewis et al (USP 6,421,719 B1).

Regarding claim(s) 1, 9, 16 and 23, Schenkel discloses a method of managing traffic in a first set of nodes of a computer network (fig. 1) having a first set of nodes (A, B) and a second set of nodes (C, D) comprising: determining a source associated with an amount of network traffic over the first set of nodes which exceeds a threshold (claim 1, col 2 lines 24-33, traffic from a set of devices is monitored that exceeds a predetermined threshold), the source being outside a group of network elements assigned to the first set of nodes (col 2 lines 15-22, col 3 lines 30-42, network capacity can be measured by a source either internal to a group of elements or external to the group see col 4 lines 23-27); and automatically displaying an indication of the source in response to determining the source (col 1 lines 23-28; col 5 lines 3-5).

Schenkel fails to disclose a first set of nodes and second set of nodes being a VLAN.

Lewis discloses a first set of nodes and second set of nodes being a VLAN (Fig. 5B). The virtual LAN (VLAN) standard allows for grouping nodes into Logical LAN groupings on a single fabric. In a VLAN environment, packets are assigned to a particular logical LAN and the packet is constrained to stay within that logical LAN. This ensures that unicast packets cannot be received outside of a particular grouping. Broadcast and multicast packets from a given node with a virtual LAN are similarly constrained to remain within the virtual LAN. The traffic containment that VLAN's provide, along with the controlled distribution of multicast packets, can permit a greater number of end nodes to be supported on a fabric.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Lewis within Schenkel so as to contain traffic within a specific group and allow for network flexibility of future growth as needed by adding additional nodes.

Regarding claim(s) 3, 11, 18 and 25, Schenkel discloses a user name associated with the source (col 1 lines 40-50).

Regarding claim(s) 4, 5, 12, 19, 26 and 27, Lewis discloses reassigning the source to the first VLAN in response to determining the source either manually or automatic (col 14 lines 12-14). Reasons for combining same as for base claims.

Regarding claim(s) 6, 13, 20, and 28, Schenkel discloses traffic data is obtained using a network management protocol (col 15 lines 5-6). Schenkel fails to disclose a VLAN, Lewis discloses a VLAN network and reasons for combing would be same as for base claims.

Regarding claim(s) 8, 15, 22, and 30, Schenkel discloses determination of the source includes determining the top sources of traffic on the first VLAN (col 16 lines 18 – 37). Schenkel fails to disclose a VLAN, Lewis discloses a VLAN network and reasons for combing would be same as for base claims.

Claims 7, 14, 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenkel et al (USP 5,933,416) in view of Lewis et al (USP 6,421,719 B1) and further in view of Fletcher et al (USP 6085243). Schenkel and Lewis fail to disclose using an RMON protocol.

Fletcher discloses using an RMON protocol (col 4 lines 31-67). RMON provides autonomous Network Management, and automatically tracks network traffic volume and errors for each MAC address seen on a segment and maintains a Host Matrix table of MAC address pairs that have exchanged packets and the traffic volume and errors associated with those address pairs. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Fletcher within Schenkel and Lewis to provide an enhanced network management scheme over SNMP protocol and therefore providing an autonomous Network Management system.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, 11-16, 18-23 and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

While Applicant's amendment necessitated the new grounds of rejection to which Examiner has addressed all limitations based on appropriate cited prior art, however, for completeness Examiner addresses Applicant's contentions.

Examiner withdraws Objections to claims 7, 9, 14, 16, 19-22 and 29 for various informalities.

With respect to claim 1, Applicant contends ".. wherein the first set of nodes is a first VLAN and the second set of nodes is a second VLAN, and are neither taught nor suggested by the documents relied upon by the Examiner in the Office Action." Examiner respectfully disagrees, while Schenkel explicitly fails to disclose the application of a VLAN, however, "Schenkel discloses various types of networks (col 2 lines 51-57) that can be employed within a local area, continent, or the world, thus it would have been obvious to one skilled in the art can to deduce from disclosure that the topology of Schenkel can support a VLAN just as easily as a LAN to confine specific node sets to a given area and therefore containing its distribution of data as desired. Nonetheless, Lewis explicitly discloses "a first set of nodes and second set of nodes being a VLAN (Fig. 5B). The virtual LAN (VLAN) standard allows for grouping nodes into Logical LAN groupings on a single fabric. In a VLAN environment, packets are assigned to a particular logical LAN and the packet is constrained to stay within that logical LAN. This ensures that unicast packets cannot be received outside of a particular grouping. Broadcast and multicast packets from a given node with a virtual LAN are similarly constrained to remain within the virtual LAN. The traffic containment

that VLAN's provide, along with the controlled distribution of multicast packets, can permit a greater number of end nodes to be supported on a fabric.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Lewis within Schenkel so as to contain traffic within a specific group and allow for network flexibility of future growth as needed by adding additional nodes.

Applicant further contends Schenkel fails to disclose “a source sending an amount of network traffic over a first set of nodes, the source being outside a group of network elements assigned to the first set of nodes”. Examiner respectfully disagrees, Schenkel clearly discloses calculating network traffic measurements for a give set of network devices or nodes via an internal or external source (see col 2 lines 15-22, col 3 lines 30-42, network capacity can be measured by a source either internal to a group of elements or external to the group see col 4 lines 23-27).

Based on above reasoning and the cited prior art, the Examiner asserts all claim limitations of claim 1 have been properly addressed and therefore the rejection to claim 1 is sustained. Furthermore rejection to claims 9, 16 and 23 is also sustained due to recitation of similar features with respect to claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJ K. JAIN whose telephone number is (571)272-3145. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raj K. Jain/

Primary Examiner, Art Unit 2616

April 7, 2008